IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3473 of 2005

Between:

Jellelamudi Venkata Subbulu, W/o. Late Jellalamudi Yamalaiah,
R/o. H.No. 3-17-D/2, Peddacheruvu, Near maternity Hospital,
Narsaraopet, Guntur district.

..... PETITIONER

AND

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Narsaraopet,, Guntur District.
3 The Mandal Revenue Officer, Narsaraopet, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order, writ or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not considering the representation dated 19-11-2004 submitted by the petitioner for seeking to transfer the license possessed by her late husband or grant a fresh license in favour of the Petitioner, as illegal, arbitrary, and violative of the Articles 14, 15 and 21 of the Constitution of India and consequently direct the respondents to forthwith consider the representation dated 19-11-04.

Counsel for the Petitioner: MR.CHALLA AJAY KUMAR

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

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The husband of the petitioner was granted a Kerosene Hawker Licence. The licence was valid up to the end of 2004. However, he died on 31.03.2004. Thereupon, the petitioner filed an application, dated 19.11.2004, for transfer of the licence in her name. Her grievance is that no action is taken thereon and seeks appropriate directions.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

It is true that in some writ petitions directions were issued to the licensing authorities to consider the case of the dependents of the deceased kerosene dealers for transfer of licenses. However, such directions were set aside by the Division Bench, on taking the view that there is no provision for transfer of such licenses. Therefore, the claim of the petitioner for transfer of the licence, held by her husband cannot be acceded to. However, she can make an application for grant of fresh licence and the same can be considered independent of the fact that her husband was a dealer. If the vacancy exists, and the petitioner fulfils the qualifications, nothing comes in the

way of the licensing authority in considering the application in accordance with the policy guidelines.

Hence, the writ petition is disposed of directing that it shall be open to the petitioner to apply for grant of fresh licence and the 1st respondent shall consider the same and pass appropriate orders, in the matter of granting a hawkers licence in favour of the petitioner, within a period of one month from the date of receipt of the application. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 24.02.2005

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To

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Narsaraopet,, Guntur District.
3 The Mandal Revenue Officer, Narsaraopet,, Guntur District.

4 2 CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad

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